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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|-------------------------|------------------------|
| 10/671,937 | 09/29/2003 | Fred Gehrung Gustavson | YOR920030171US1 | 8297 |
| 48150 7590 06/25/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817 | | | EXAMINER WEI, ZHENG | |
| | | | ART UNIT 2192 | PAPER NUMBER |
| | | | MAIL DATE 06/25/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/671,937

Applicant(s)

GUSTAVSON ET AL.

Examiner

Zheng Wei

Art Unit

2192

All participants (applicant, applicant's representative, PTO personnel):

(1) Tuan Q. Dam.(3) Frederick E. Cooperrider(#36,769).(2) Zheng Wei.(4) Dr. Gustavson.

Date of Interview: 19 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: US 5438669.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A. *In part*

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: (1)The applicant proposes an amendment for changing "signal-bearing" to "computer-readable" medium to overcome 101 rejection. The examiner agrees to that and all the other 101 rejection issues also have been solved at this point;(2)The applicant points out that for prior art rejection, the prior art reference has a hardware solution and his invention is a software solution. The Examiner will consider applicant's argument in the following office action;(3)The applicant further points out that the LAPACK subroutine in claims is a modification and/or substitution of standard LAPACK subroutine. The examiner is waiting for the applicant's further clarification .



TUAN DAM
SUPERVISORY PATENT EXAMINER

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PTOL-413A (05-08)
Approved for use through 03/31/2007. OMB 0651-0031
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Applicant Initiated Interview Request Form

Application No.: 10/871,937 First Named Applicant: Gustavson
Examiner: Z. Wei (571-270-1059) Art Unit: 2192 Status of Application: Non-Final

Tentative Participants:

(1) Examiner Wei (2) Dr. Gustavson
(3) Supervisor Dam (4) Frederick Cooperrider (36,789)

Proposed Date of Interview: June 14, 2007 Proposed Time: 2:00 PM (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: N/A

Issues To Be Discussed

| Issues (Rej., Obj., etc) | Claims/ Fig. #s | Prior Art | Discussed | Agreed | Not Agreed |
|--|--------------------|---------------------------------------|--------------------------|--------------------------|--------------------------|
| (1) <u>REJ.</u> | <u>Claim 1</u> | <u>USP 5,439,669 (Nakazawa et al)</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) <u>REJ. (101)</u> | <u>All Claims</u> | <u>N/A</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Continuation Sheet Attached | | | | | |

Brief Description of Arguments to be Presented:

(1) Nakazawa is directed to memory-to-FPU transfer, the present invention is directed to cache-to-FPU transfer without adding a hardware mechanism

(2) The "real world" effect of the present invention is that speed/efficiency is increased in a computer.

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Frederick E. Cooperrider
Applicant/Applicant's Representative Signature

Frederick E. Cooperrider (703) 781-2377

Typed/Printed Name of Applicant or Representative

36,789

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 121 and 37 CFR 1.11 and 1.14. This collection is estimated to take 11 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

To: Examiner Wei 571-270-2059

From: F. Cooperider #36,769

Re: Telephone Interview at 2:00.
for S/N 10/671,937

To gain access to the teleconference,
please dial:

- (1) 866 - 867 - 8308

- then enter pass code

4192240

- followed by # sign.

Please call me at (703) 761-2377 if you
do not have the power point presentation.



Patent Application 10/671,937 aka 171

Fred Gustavson
IBM Research
June 14, 2007

Overview of Talk

- Respond to OAS of 3/07/07
- 10: All claims rejected on 101
- 12: Claims 1,2,17 rejected; rest OK (102)
- 14: Claims 3-16,18,19 rejected; 1,2,17 OK (103)

Overview of Talk continued

- Try to resolve some issues before appeal
 - can we resolve any rejected 101 claims?
 - can we resolve any rejected 112 claims?
 - can we resolve any rejected 102 claims?
 - can we resolve any rejected 103 claims?
- Why are amendments NOT persuasive?

Overview of Talk continued

- Discuss items 6,8,10,12,14 of OAS
 - 6. done in 6/07/07 Amendment (A henceforth)
 - 8. clarify as per A
 - 10. see forthcoming slides
 - 12. see forthcoming slides
 - 14. see forthcoming slides

Item 10 rejections

- Claims 1,17: directed toward improving speed of DLFA by novel means (see II of A, pp. 10-12)
 - ☐ not claiming a math algorithm in the abstract
 - ☐ not a judicial exception of "State Street ..."
 - ☐ inherently satisfies useful, concrete, tangible
- Above appears to conflict with item 10 on 1,17.
 - ☐ please explain?
 - ☐ refer to pages 10-12 of A & explain why these arguments are not germane here?



Item 10 rejections continued

- Claim 1 is directed to statutory matter
 - does not require a specific or concrete result to be articulated in an independent claim
- Claims 17: “signal bearing” is not in isolation
 - willing to change “signal bearing” to “computer readable” to obtain agreement?

Item 10 rejections continued

- Claims 2-5, 18-19 depend on Claims 1, 17.
 - see previous two slides
- Claims 6-11, 12-16 depend on claims 1-5
 - see above & previous two slides

Item 12 rejections

- See A, III. pages 12-15
 - Nakazawa, henceforth N, does not solve our problem; N has a hardware solution
 - we have a software solution
 - N moves between memory & FPU
 - X, our patent, moves from cache to FPU
 - N teaches against X
- Conclude: no teaching of Claims 1,2,17

Item 14 rejections

- See A, III. pages 14-15
 - Dongarra, henceforth D, with N, or with just D alone does not teach claims 3-16, 18-19
 - D produced standards of L1, L2, L3 BLAS
 - X implicitly teaches against using BLAS
 - BLAS interface deters efficiency

Item 14 rejections continued

- Claims 4,5,18,19 are being misinterpreted. We did not mean to use LAPACK per se. We meant that using X one could produce a substitute for LAPACK which would be more efficient
 - see last four paragraphs of page 14 of A.
- Claims 6-11 refer back to Claims 1-5
 - see our remarks about Item 12 rejections